UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,187	02/14/2001	Tetsuro Motoyama	194543US-2	9855

			EXAMINER
22850	7590	07/11/2007	ISMAIL, SHAWKI SAIF

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ART UNIT	PAPER NUMBER
2155	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	09/782,187	MOTOYAMA ET AL.
Office Action Summary	Examiner	Art Unit	
	Shawki S. Ismail	2155	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

RESPONSE TO AMENDMENT

1.   This communication is responsive to the amendment received on May 10, 2007.

Claims 1, 13 and 25 have been amended.

Claims 1-36 are pending.

New Ground(s) of Rejection

2.   Applicant's amendment and arguments received on May 10, 2007 have been

fully considered, however they are deemed to be moot in view of the new grounds of

rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed
or described as set forth in section 102 of this title, if the differences between the
subject matter sought to be patented and the prior art are such that the subject matter
as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall
not be negatived by the manner in which the invention was made.

4.   Claims 1-7, 13-19 and 25-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Aikens et al. U.S. Patent No. 5,414,494** (hereinafter referred to as

Aikens) and in view of **Fontana et al. U.S Patent No. 6,237,143** (hereinafter referred to

as Fontana).

5.   As to claims 13 and 25 Aikens teaches a computer-implemented method for collecting information from a target software application residing in a device unit, the method comprising the steps of:

obtaining, from the target software application through a software interface, by a monitoring software device residing in the device unit and having a plurality of monitoring components, information event data of the target software application and a plurality of instructions regarding monitoring execution of the target software application, wherein the plurality of monitoring components includes an event logger (col. 4, lines 51-64 and col. 5, lines 50-67, various sensors and detectors monitor applications on the printing device and data from the monitoring is recorded and stored in the event logger file or the crash logger file);

processing, by the monitoring software device, the instructions sent from the target software application, wherein the instructions include instructions for sending previously stored event data of the target software application to a remote site and instructions for storing the event data of the target software application in a local disk, wherein the processing step includes the steps of accessing a shared system resource and executing a plurality of instructions included in the system resource (col. 5, lines 50-67, col. 4, lines 51-65 and col. 11, line 58 – col. 12, line 22) data for diagnostics, machine monitoring, or machine usage are stored on file in the printing device for transmission to a remote location based on the notification preset mode defined in the user interface and inputted into the application system software 150);

Wherein the device unit is one an image printing device and an appliance (refer to Fig. 2).

However, Aikens does not explicitly teach wherein a target application interface is configured to receive a plurality of instructions regarding monitoring of the target software application from the target application for processing by the monitoring device.

Fontana teaches a method and system for monitoring and capturing file usage of a software tool. Fontana teaches a start monitoring request issued by the tool wrapper 30 to direct the file filter software to start monitoring the input/output operations performed by the tool 17.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Fontana into the invention of Aikens to be able to start and stop monitoring system usage of an application at the request of the application in order to accurately monitor the overall system.

6.   As to claims 14 and 26, Aikens teaches the system according to claim 13 and 25, respectively, wherein the at least one system resource component includes at least one of a system clock, persistent system information storage, electronic mail transfer code and file transfer code (col. 4, lines 51-64, persistently storing event data).

7.   As to claims 15 and 27, Aikens teaches the system according to claim 13 and 25, respectively, wherein at least one of the plurality of monitoring components accesses the system resource using a system resource interface (col. 5, lines 50-67).

8.   As to claims 16 and 28, Aikens teaches the system according to claim 13 and 25, respectively, wherein the target application includes one of a software program being

executed on a computer or workstation under control of a user, a software program driving a control panel of a business device, a software program driving a control panel of an appliance, software generating data regarding state changes within a device, and software generating data regarding state changes within an appliance (col. 4, lines 51-64, monitoring element monitors changes in machine operating conditions to detect any changes or failures in the operating states of the machine).

9.   As to claims 17 and 29, Aikens teaches the system according to claims 13 and 25, respectively, wherein the information regarding execution of a target application includes at least one of a user identification, an application identification, a cumulative session number, a value of a starting time, a value of a duration and an indication of a sequence of events with a corresponding elapsed time for each one of the events (refer to Fig. 9 and col. 10, lines 11-18).

10.   As to claims 18 and 30, they do not further teach or define any new limitation above claims 14 and 17, and 26, and 29, respectively; therefore they are rejected for similar reasons.

11.   As to claims 19 and 31, Aikens teaches the system according to claims 13 and 25, respectively, wherein the monitoring device having a plurality of monitoring components includes an event logger and wherein the at least one system resource component includes a system clock, wherein the event logger accesses the system clock at least for recording a time of starting a monitoring session (col. 6, lines 15-32).

12.   Claim 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Aikens et al. U.S. Patent No. 5,414,494 (hereinafter referred to as Aikens) and in view

of **Fontana et al. U.S Patent No. 6,237,143** (hereinafter referred to as Fontana).

13.   As to claim 1 Aikens teaches the claimed invention as described above with

reference to claim 13.   However, Aikens does not explicitly teach wherein a target

application interface is configured to receive a plurality of instructions regarding

monitoring of the target software application from the target application for processing

by the monitoring device.

Fontana teaches a method and system for monitoring and capturing file usage of

a software tool. Fontana teaches a start monitoring request issued by the tool wrapper

30 to direct the file filter software to start monitoring the input/output operations

performed by the tool 17.

It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to incorporate the teaching of Fontana into the invention of Aikens

to be able to start and stop monitoring system usage of an application at the request of

the application in order to accurately monitor the overall system.

14.   As to claim 2, Aikens teaches the system according to claim 1, wherein the at

least one system resource component includes at least one of a system clock,

persistent system information storage, electronic mail transfer code and file transfer

code (col. 4, lines 51-64, persistently storing event data).

15.   As to claim 3 Aikens teaches the system according to claim 1, wherein at least

one of the plurality of monitoring components accesses the system resource using a

system resource interface (col. 5, lines 50-67).

16.   As to claim 4, Aikens teaches the system according to claim 1, wherein the target

application includes one of a software program being executed on a computer or

workstation under control of a user, a software program driving a control panel of a

business device, a software program driving a control panel of an appliance, software

generating data regarding state changes within a device, and software generating data

regarding state changes within an appliance (col. 4, lines 51-64, monitoring element

monitors changes in machine operating conditions to detect any changes or failures in

the operating states of the machine).

17.   As to claim 5, Aikens teaches the system according to claim 1, wherein the

information regarding execution of a target application includes at least one of a user

identification, an application identification, a cumulative session number, a value of a

starting time, a value of a duration and an indication of a sequence of events with a

corresponding elapsed time for each one of the events (refer to Fig. 9 and col. 10, lines

11-18).

18.   As to claim 6 it does not further teach or define any new limitation above claims 2

and 5, therefore it is rejected for similar reasons.

19.   As to claim 7, Aikens teaches the system according to claim 1, wherein the

monitoring device having a plurality of monitoring components includes an event logger

and wherein the at least one system resource component includes a system clock,

wherein the event logger accesses the system clock at least for recording a time of starting a monitoring session (col. 6, lines 15-32).

20.   Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aikens et al. U.S. Patent No. 5,414,494** (hereinafter referred to as Aikens) and in view of **Fontana et al. U.S. Patent No. 6,237,143** (hereinafter referred to as Fontana) and further in view of **Kremen et al. U.S. Patent No. 5,706,434** (hereinafter referred to as Kremen).

21.   As to claim 8-12 Aikens teaches the claimed invention as described above. However Aikens does not explicitly teach wherein the transmitting device transmits formatted data according to a requested data format or a requested communication protocol.

Kremen teaches a method and apparatus to accomplish creation and serving of data objects.   Kremen teaches a formatting of data received by a processor into a format that is recognizable by the end user and formats the data for outgoing transmission according to a protocol of an intended recipient (Abstract, col. 5, lines 20-59 and col. 7, lines 48-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Aikens, Fontana and Kremen to incorporate a data formatter in order to offer diverse clients with different or varying capabilities to communicate and amongst each other (col. 2 line, 61 – col. 3, line12).

22.   Claims 20-24, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aikens et al. U.S. Patent No. 5,414,494** (hereinafter referred to as

Aikens) and in view of **Kremen et al**. U.S. Patent No. **5,706,434** (hereinafter referred to as Kremen).

23.   As to claim 20-24 and 32-36, Aikens teaches the claimed invention as described above. However Aikens does not explicitly teach wherein the transmitting device transmits formatted data according to a requested data format or a requested communication protocol.

Kremen teaches a method and apparatus to accomplish creation and serving of data objects. Kremen teaches a formatting of data received by a processor into a format that is recognizable by the end user and formats the data for outgoing transmission according to a protocol of an intended recipient (Abstract, col. 5, lines 20-59 and col. 7, lines 48-67.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Aikens and Kremen to incorporate a data formatter in order to offer diverse clients with different or varying capabilities to communicate and amongst each other (col. 2 line, 61 – col. 3, line12.).

24.   Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as

well as the context of the passage as taught by the prior art or disclosed by the

examiner.

Response to Arguments

25.   Applicants' arguments with respect to claims 1-36 filed on May 10, 2006 have

been fully considered. Applicant argues in substance that:

Argument: Aikens does not disclose that instructions are sent from the target software

application for processing by the monitoring software device, wherein one of the

instructions is an instruction for sending previously stored event data to a remote site.

Response: Aikens discloses:

> Referring to FIG. 3, certain key machine operating events (such as current event
> data) which define the proper execution of the control system such as <u>user
> interface buttons being set, changes in application software operating states,</u>
> interlock switches opening and closing, <u>notification of control or system faults,</u>
> execution of key routines, etc., <u>are input as they occur by the applications system
> software 150 under control of processor 196 to dynamic memory (RAM) 155</u> (col.
> 4, liens 53-62, emphasis added).

Aikens further discloses that the a user or an operator may set remote

notification preset mode for presetting conditions requiring automatic notification to

selected remote stations is entered into the control panel through the user interface

buttons. These events are <u>inputted as they occur by the applications system software</u>

<u>150 under control of processor 196 to dynamic memory (RAM) 155.</u> Therefore, these

inputted events are in fact instruction, which are sent from the target software

application for processing by the monitoring software device. These instructions specify

how and when to notify a remote site of an occurrence of a condition on the printing

device. Furthermore, although the conditions are pre-set by the user or an operator, the

actual sending of the notification does not occur till the condition is satisfied by the application itself. Therefore, the instruction to notify a remote site is initiated when the printing device undergoes the condition or triggers the condition. Therefore the signal is essentially triggered by the application based on a condition pre-set by the user or operator and as such Aikens meets the scope of the claimed limitations as currently amended.

Examiner Note:

In an effort to expedite prosecution of this case, the examiner would like to propose some claim amendments that would likely place the application into condition for allowance. Examiner believes that these limitations if incorporated into the independent claim in the next amendment would likely place the condition for allowance.

> wherein the step of sending instructions to the monitoring device, by the target applications, through the interface, to send previously stored event data of the target software application to a remote site include:
> instructing the monitoring device, by the target applications, through the interface, to format the data corresponding to the previously stored event data of the target software application according to a first predetermined format; and
> instructing the monitoring device, by the target applications, through the interface, to send the data corresponding to the previously stored event data of the target software application to the remote site through a first predetermined communication protocol.

Applicant's representative is encouraged to contact the examiner to discuss the proposed amendment or any outstanding issues in the case.
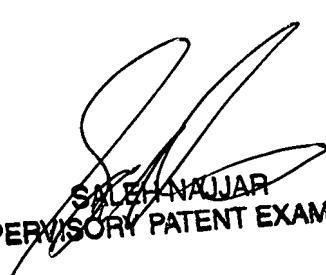
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
June 28, 2007

SUPERVISORY PATENT EXAMINER